

Prob 12
(Rev. 3/88)

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

FILED

NOV 7 - 2007

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

U.S.A. vs. ROBERT ALAN LAUER

Docket No. 03-00023-001 ERIE

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Robert Alan Lauer, who was placed on supervision by the Honorable Sean J. McLaughlin sitting in the Court at Erie, Pennsylvania, on the 4th day of January 2005, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm.
- The defendant shall participate in a program of testing and, if necessary, treatment for both alcohol and substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic drug tests thereafter. Further, the defendant shall be required to contribute to the cost of services for any such treatment not to exceed an amount determined reasonable by the Probation Officer's Sliding Scale for Substance Abuse Treatment Services.
- The defendant shall not consume alcohol.
- The defendant shall pay to the United States a special assessment of \$500.

01-04-05: Conspiracy to Manufacture Methamphetamine; Manufacture Methamphetamine; Attempt to Manufacture Methamphetamine; and Possession of Listed Chemicals With Intent to Manufacture Methamphetamine (two counts); 55 months' imprisonment, to be followed by 3 years' supervised release, at Counts 1 through 5, all to be served concurrently.

02-27-07: Sentence amended, United States District Judge Sean J. McLaughlin, to 32 months' custody of the Bureau of Prisons, to be followed by 3 years' supervised release, at Counts 1 through 5, all to be served concurrently. The original terms and special conditions of supervised release imposed on January 4, 2005, were reinstated.

02-27-07: Released to supervision; Currently supervised by U.S. Probation Officer David J. Conde.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that Robert Lauer consumed alcohol on at least two occasions. Home visits conducted on August 14 and 28, 2007, confirmed that Mr. Lauer had been consuming alcohol. On August 14, 2007, a cold 12-pack of beer was found in a rear bedroom of Mr. Lauer's residence. When questioned, he admitted to consuming alcohol and explained that he had removed the beer from his refrigerator when he saw the probation officer approaching his residence. Mr. Lauer was instructed, at that time, to dispose of the beer in front of the probation officer by pouring it down the kitchen sink. On August 28, 2007, a home visit took place, and a portable breath test was administered. The test confirmed the presence of alcohol. A urine sample was obtained, and on September 6, 2007, the test was confirmed positive for ethanol by Kroll Laboratory Specialists. At the time of the home visit, Mr. Lauer admitted to consuming alcohol the previous night. Since this last contact, there has been no additional evidence of alcohol consumption on the part of Mr. Lauer.

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On October 30, 2007, Mr. Lauer signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Time of Supervision (enclosed), in which he agreed to the following modification of supervision: The releasee shall be placed on home detention for a period not to exceed 90 days. During this time, the releasee shall remain at his place of residence except for employment and other activities approved in advance by the probation officer. At the direction of the probation officer, the releasee shall wear an electronic device and shall observe the rules specified by the Probation Office.

PRAYING THAT THE COURT WILL ORDER that the releasee shall be placed on home detention for a period not to exceed 90 days. During this time, the releasee shall remain at his place of residence except for employment and other activities approved in advance by the probation officer. At the direction of the probation officer, the releasee shall wear an electronic device and shall observe the rules specified by the Probation Office.

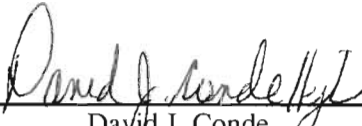
ORDER OF COURT

Considered and ordered this 9th day of
November, 20 07 and ordered filed and made
 a part of the records in the above case.

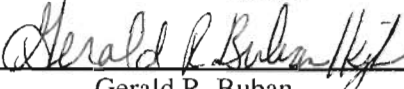
 U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed
 on November 5, 2007



David J. Conde
 U.S. Probation Officer



Gerald R. Buban
 Supervising U.S. Probation Officer

Place: Erie, PA